

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LORENZO LOPEZ,

*Plaintiff,*

v.

JOHN SROMOVSKY,

*Defendant.*

CIVIL ACTION  
No. 17-2183

**ORDER**

**AND NOW**, this 17th day of August, 2018, upon consideration of Sromovsky's Motion to Set Aside Default Judgment (ECF No. 32), Sromovsky's Supplemental Motion to Set Aside Default Judgment (ECF No. 34), Lopez's Response (ECF Nos. 35 & 36), Sromovsky's Reply (ECF No. 37), and the parties' supplemental briefing on the matter of service (ECF Nos. 39 & 40), it is hereby **ORDERED** that:

1. The Motions (ECF Nos. 32 & 34) are **GRANTED**;
2. The Court's Memorandum Opinion and Judgment Order entered against Sromovsky June 27, 2018 (ECF Nos. 30 & 31) are vacated;
3. The Court's June 28, 2018 Order granting Lopez's Motion for Attorney's Fees (ECF No. 33) is vacated;
4. Lopez shall serve Sromovsky with process<sup>3</sup> in a manner consistent with Federal Rule of Civil Procedure 4 on or before August 31, 2018; and,

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<sup>3</sup> Pursuant to Federal Rule of Civil Procedure 4(m), the Court may, in its discretion, extend the time for service. In so doing, the Court may consider: (1) actual notice of the action; (2) conduct of the defendant; (3) whether the plaintiff is represented by counsel; (4) statute of limitations; (5) prejudice to the defendant and (6) any other relevant factor. *Plumbers' Local Union No. 690 Health Plan v. Apotex Corp.*, No. 16-665, 2017 WL 2242859, at \*2 (E.D. Pa. May 23, 2017). In light of the facts of this case, including that Sromovsky knew of this action and failed to appear, contest service

5. Sromovsky shall answer or otherwise respond within 14 days of service.

BY THE COURT:

*/s/ Gerald J. Pappert*  
GERALD J. PAPPERT, J.

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or otherwise defend against it for approximately one year, an extension of additional time to effect service is appropriate.